

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DONALD MAGETT,

Defendant.

Case No. 1:04:CR:191

HON. GORDON J. QUIST

ORDER GRANTING ENDS OF JUSTICE CONTINUANCE

Following a status conference and ex parte in camera conference on April 25, 2005, the Court finds that the ends of justice are served and the granting of a continuance outweighs the best interests of the public and the defendant in a speedy trial, 18 U.S.C. § 3161(h)(8)(A). Therefore,

IT IS HEREBY ORDERED that Defendant Donald Magett's request for a continuance is **GRANTED** for the following reasons:

Defendant insists that his counsel is not prepared for trial. Defendant has requested several witnesses and documents that have not yet been arranged by his counsel. Defendant's counsel has requested to withdraw because of a breakdown in the relationship with Defendant. The Court, after observing Defendant and his counsel, noticed considerate tension but not a breakdown in their ability to communicate. The Court granted counsel's motion to withdraw if counsel and Defendant can find substitute counsel within 14 days. If substitute counsel is found, substitute counsel will need time to prepare for trial of this case, and preparation may take some time because this is a financial crime.

IT IS FURTHER ORDERED that the jury trial scheduled to begin April 26, 2005, is **adjourned without date**.

IT IS FURTHER ORDERED that Defendant Donald Magett shall retain new counsel or court-appointed attorney by **May 9, 2005**. If Defendant has not obtained counsel by May 9, Defendant's current counsel, Jeffrey Collins, shall remain as Defendant's counsel.

IT IS FURTHER ORDERED that Defendant Donald Magett shall have no direct contact with Government witnesses. Contact shall be made through a qualified investigator or attorney.

IT IS FURTHER ORDERED that the Government's Jencks material shall be returned to the Government if Jeffrey Collins no longer represents Defendant.

Dated: April 27, 2005

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE